

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DURAMED PHARMACEUTICALS, INC.,

Plaintiff,

v.

WATSON LABORATORIES, INC.,

Defendant.

3:08-cv-0116-LRH-RAM

ORDER

Before the court is plaintiff Duramed Pharmaceuticals, Inc.’s (“Duramed”) motion to seal its opposition to defendant Watson Laboratories, Inc.’s (“Watson”) motion for summary judgment and supporting declarations. Doc. #354.¹

As an initial matter, the court is acutely cognizant of the presumption in favor of public access to papers filed in the district court. *See Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995). Therefore, a party seeking to file materials under seal bears the burden of overcoming that presumption by showing that the materials are covered by an operative protective order and are also deserving of confidentiality. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2005). Specifically, a party must “articulate compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure.”

¹ Refers to the court’s docket number.

1 *Kamakana, City and County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (internal citations
2 omitted).

3 Here, in this patent infringement action, the court has entered a protective order governing
4 documentation and testimony that is confidential to the parties' internal research and development.
5 The court has reviewed the documents and pleadings on file in this matter and finds that documents
6 at issue in the present motion contain information that is designated "Confidential" and "Highly
7 Confidential" under the protective order. Therefore, the court finds that Duramed has satisfied its
8 burden to show compelling reasons for filing its pleadings and related documents under seal.
9

10 IT IS THEREFORE ORDERED that plaintiff's motion to seal (Doc. #354) is GRANTED.

11 IT IS SO ORDERED.

12 DATED this 4th day of May, 2012.



13
14 LARRY R. HICKS
15 UNITED STATES DISTRICT JUDGE
16
17
18
19
20
21
22
23
24
25
26